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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/803,256	03/09/2001	Victor S. Moore	6169-181	7052
40987	7590	07/23/2007		
AKERMAN SENTERFITT P. O. BOX 3188 WEST PALM BEACH, FL 33402-3188			EXAMINER CHANKONG, DOHM	
			ART UNIT 2152	PAPER NUMBER
			MAIL DATE 07/23/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/803,256

Applicant(s)

MOORE ET AL.

Examiner

Dohm Chankong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 and 25-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 and 25-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1> This action is in response to Applicant's amendment and remarks, filed 5.29.2007.

Claims 1-6, 9-18, 20, and 27-30 are amended. Claims 1-23 and 25-30 are presented for examination.

2> This action is a final rejection.

Response to Arguments

3> Applicant's arguments have been fully considered but they are not persuasive. With respect to the Baranowski reference, Applicant argues that Baranowski does not disclose providing electronic services to a wireless device in which the electronic services can be executed in the wireless device independently of the kiosk.

Baranowski discloses this claimed limitation. It should first be noted that the Office was unable to find any support for this feature within Applicant's specification. Applicant's specification does describe electronic services as including "electronic mail, sports scores, and stock prices." [Applicant's specification, pg. 12, ¶2]. Applicant's specification is silent as to how electronic mail might be executed independently of the kiosk. However, it would be reasonable to assume that once an email is downloaded from the kiosk, Applicant's specification implies that the email is executed independently of the kiosk.

Baranowski discloses that the portable devices can download executable programs or software from a kiosk [column 6 «lines 16-20 and 58-64»]. These software programs enable the portable device with, for example, messaging capability, email capability [column 14

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«lines 42-52»], the ability to instruct users to the nearest bathroom, or even mapping capability to give directions to users [column 9 «lines 53-63»]. As Baranowski discloses downloading electronic services, such as an email from a kiosk, Baranowski discloses downloading electronic services and executing them independently of the kiosk as directed by Applicant's specification.

With respect to Kolls, Applicant argues that "Kolls does not provide distributable applications to a wireless device" [Applicant's specification, pg. 12, ¶4]. However, like Baranowski, Kolls discloses downloading emails from a kiosk to a wireless device [column 3 «lines 56-67»]. As this disclosure is consistent with Applicant's specification for downloading electronic services, Kolls teaches the claimed limitation. The emails are executed on the wireless device independently of the kiosk [Figure 22 «items 2016, 2018»].

It should also be noted that Applicant's claim language recites that the services *can be* executed within said wireless device. Applicant is reminded that "[l]anguage that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation." (emphasis in original) MPEP §2106(II)(C). Here, the language that programs *can be* executed does not require the execution to be performed. The claim should be amended to clearly require the execution to be performed.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4> Claims 1-23 and 25-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. claim 1 recites retrofitting a kiosk with a wireless network. It is unclear how a physical device such as a kiosk can be "retrofitted" with an intangible network. Applicant's specification recites retrofitting a kiosk with a physical object, such as a transceiver or a radio communications system.

Claim Rejections - 35 USC § 103

5> The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6> Only those claims that have been substantively amended by Applicant are formally addressed in this action. For those claims not formally addressed, refer to the rejections set forth in previous Office actions, filed 2.28.2007.

7> Claims 1, 3-7, 9-12, 15-18, 20-23, 25 and 30 are rejected under 35 U.S.C § 103(a) as being unpatentable over Baranowski, U.S Patent No. 6,813,608, in view of Borgstahl et al, U.S Patent No. 6,487,180 ["Borgstahl"].

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8> As to claim 1, Baranowski discloses a method for providing kiosk service offerings comprising:

retrofitting an existing, publicly-located and fixed positioned kiosk with a wireless transceiver, wherein said kiosk previously lacked wireless communication capabilities, yet wherein said kiosk was previously configured to communicate over an existing physical communications link with an existing communications network [Figure 1 «items 122, 125, 127, 128, 130» | column 5 «lines 6-9» | column 8 «lines 6-26» where : the POS equipment and controller together correspond to a “kiosk”];

configuring said kiosk for providing electronic services including data and applications over wireless communications links to wireless devices in said wireless PAN [column 2 «lines 7-14» | column 6 «lines 58-64» | column 8 «lines 27-50» : downloading of email is analogous to providing electronic services];

maintaining a list of available electronic services, wherein a portion of the available electronic services are stored locally within the kiosk [column 8 «lines 28-35» | column 12 «line 64» to column 13 «line 7» where : Baranowski discloses providing services, maps and other applications at the POS-equipment/controller] and wherein a different portion of the available electronic services are retrievable by the kiosk from servers of the existing communications network via the physical communications link [Figure 1 «items 125, 120, 122» | column 14 «lines 16-29» | column 17 «lines 57-64» where : different services are available through the kiosk accessing the web host]

establishing a wireless communications link with a wireless device in said network [column 2 «lines 38-45»];

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receiving at the kiosk a request for at least one of the available electronic services from the wireless device [column 13 «lines 25-39» : requesting subscription | column 14 «lines 42-52» : emails];

retrieving the requested at least one of the available electronic services [column 8 «lines 28-35» | column 14 «lines 42-52» : emails]; and

delivering said requested at least one of the available electronic services to said wireless device in said network over said wireless communications link wherein the requested at least one of the available electronic service can be executed within said wireless device independently of said kiosk and other devices [column 8 «lines 28-35» | column 12 «line 64» to column 13 «line 7» | column 14 «lines 42-52»].

Baranowski does not explicitly disclose that the wireless devices operate over a personal area network (PAN).

9> In the same field of invention, Borgstahl discloses utilizing a PAN as a communications network between wireless devices and a kiosk [abstract | column 3 «lines 35-45»]. It would have been obvious to one of ordinary skill in the art to incorporate Borgstahl's personal area network functionality into Baranowski to insure that connecting nodes (a wireless device and a POS equipment/controller for instance) have compatible protocols and can properly communicate with one another.

10> As to claim 3, Baranowski discloses the method of claim 1, wherein said kiosk was a single purpose kiosk before said retrofitting step, and wherein the kiosk has at least two

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purposes after the retrofitting step, one of the two purposes being said new purpose for providing electronic services and another of the two purposes being an original purpose of the kiosk [Figure 1 | column 8 «lines 6-27» | column 14 «lines 42-52» where : the POS equipment is configured to transmit over the wireless network and continues to perform its POS functions].

11> As to claims 4-7, 9-12, 15-18, 20-23, 25 and 30, see non-final rejection, filed 5.29.2007.

12> Claims 2, 13, 14, 19 and 26-29 are rejected under 35 U.S.C § 103(a) as being unpatentable over Baranowski and Borgstahl, in further view of Freeny, Jr., U.S Patent No. 6.490.443 [“Freeny”].

13> As to these claims, see non-final rejection, filed 5.29.2007.

14> Claim 8 is rejected under 35 U.S.C § 103(a) as being unpatentable over Baranowski and Borgstahl, in further view of Sutter, U.S Patent No. 6.577.720.

15> Claims 1-7, 12-15, 17, 18, 20-23, 25, 26 and 30 are rejected under 35 U.S.C § 103(a) as being unpatentable over Kolls, U.S Patent No. 6.601.040, in view of Borgstahl et al, U.S Patent No. 6.487.180 [“Borgstahl”], in further view of Pittarelli, U.S Patent Publication No. 2003|0061271.

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16> As to claim 1, Kolls discloses a method for providing kiosk service offerings comprising:

retrofitting an existing, publicly-located and fixed positioned kiosk with a wireless transceiver, wherein said kiosk previously lacked wireless communication capabilities, yet wherein said kiosk was previously configured to communicate over an existing physical communications link with an existing communications network [Figure 3E | Figure 4 | column 9 «lines 28-36»];

configuring said kiosk for providing electronic services including data and applications over wireless communications links to wireless devices in said wireless PAN [Figure 3E | Figure 4 | column 9 «lines 37-52»];

establishing a wireless communications link with a wireless device in said network [column 9 «line 64» to column 10 «line 11» | column 49 «lines 37-53»];

receiving at the kiosk a request for at least one of the available electronic services from the wireless device [column 2 «lines 47-52» | column 18 «lines 15-39» | claims 1, 2, 18];

retrieving the requested at least one of the available electronic services [column 3 «lines 56-67» : emails | column 4 «lines 15-21» | column 5 «lines 48-55» : “effectuates the delivery...of the service” | column 7 «lines 31-36» |]; and

delivering said requested at least one of the available electronic services to said wireless device in said network over said wireless communications link, wherein the requested at least one of the available electronic service can be executed within said wireless device independently of said kiosk and other devices [column 4 «lines 15-21» | column 5 «lines 48-55» : “effectuates the delivery...of the service” | column 7 «lines 31-36»].

Kolls discloses maintaining a list of available electronic services provided by the kiosk and that a portion of the available electronic services are stored locally within the kiosk [column 3 «lines 56-67» : emails | column 6 «lines 38-40»], and wherein a different portion of the available electronic services are retrievable by the kiosk from servers of the existing communications network via the physical communications link.

Kolls also does not explicitly disclose that the wireless devices operate over a personal area network (PAN).

17> In the same field of invention, Borgstahl discloses utilizing a PAN as a communications network between wireless devices and a kiosk [abstract | column 3 «lines 35-45»]. It would have been obvious to one of ordinary skill in the art to incorporate Borgstahl's personal area network functionality into Kolls to insure that connecting nodes (a wireless device and a pay phone for instance) have compatible protocols and can properly communicate with one another.

18> Pittarelli discloses that a portion of the available services are stored locally within the kiosk, and wherein a different portion of the available electronic services are retrievable by the kiosk from servers of the existing communications network via the physical communications link [Figure 7 «items 126, 128, 32» | 0036, 0037, 0038]. It would have been obvious to modify Kolls' kiosk with the "cache" functionality provided by Pittarelli. Such an implementation is well known in the art so that requested services can be delivered more quickly to users when they are already located on the kiosk.

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19> As to claims 2-7, 12-15, 17, 18, 20-23, 25, 26 and 30, see previous non-final rejection, filed 5.29.2007.

20> Claim 12 is rejected under 35 U.S.C §103(a) as being unpatentable over Kolls, Borgstahl and Pittarelli, in further view of Kolls, U.S Patent No. 6.601.039 ["Kolls(2)"].

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

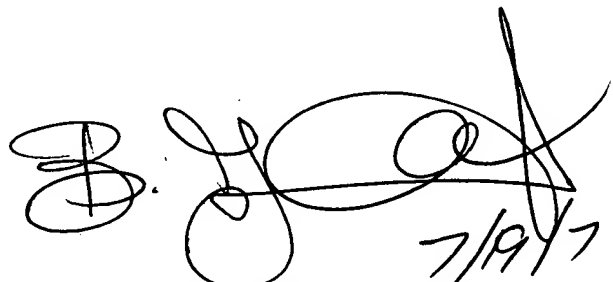
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is 571.272.3942. The examiner can normally be reached on Monday-Friday [8:30 AM to 4:30 PM].

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571.272.3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DC



7/19/17
BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER